

FILED

January 27, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: _____ SAJ

DEPUTY _____

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

UNITED STATES OF AMERICA	§	CAUSE NO.: DR-21-CR-00118-AM
	§	
	§	<u>INDICTMENT</u>
v.	§	
SERGIO TREVINO, JESSECA ANN WHITMIRE	§	[COUNT ONE: 18 U.S.C. § 111 (a)(1) & (b)- Assaulting, Resisting or Impeding Certain Officers or Employees; COUNT TWO: 18 U.S.C. §924(c)(1)(A)(iii): Use of Firearm During Commission of a Crime of Violence; COUNT THREE: 8 U.S.C. § 1324(a)(1)(A)(v)(I) & (B)(i) Conspiracy to Transport Illegal Aliens; COUNT FOUR: 18 U.S.C. §§ 922(g)(1) & 924(a)(2), Felon in Possession of a Firearm; COUNT FIVE: 18 U.S.C. §§ 922(g)(5)(A) & 924(a)(2), Illegal Alien in Possession of a Firearm.]
	§	
	§	FORFEITURE
	§	

THE GRAND JURY CHARGES:

COUNT ONE
[18 U.S.C. § 111(a)(1) & (b)]

On or about January 3, 2021, in the Western District of Texas, Defendant,

Sergio Trevino,

did knowingly and intentionally forcibly assault, resist, oppose, impede, intimidate, and interfere with United States Border Patrol Agents R.C. and R.R., who are officers or employees of an agency of the United States, while United States Border Patrol Agents R.C. and R.R. were engaged in and on account of the performance of their official duties, and such acts involved intent to commit

another felony and Defendant used a deadly or dangerous weapon, to wit, a firearm, to shoot at Agents R.C. and R.R., in violation of Title 18, United States Code, Section 111 (a)(1) & (b).

COUNT TWO
[18 U.S.C. §§ 924(c)(1)(A)(iii)]

On or about January 3, 2021, in the Western District of Texas, the Defendant,
Sergio Trevino,
did knowingly discharge, carry and use a firearm, to wit: an American Tactical Imports model Omni Hybrid, serial number AN010660, 5.56 caliber rifle, during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, Defendant did forcibly assault, resist, oppose, impede, intimidate, and interfere with United States Border Patrol agents, who are officers or employees of an agency of the United States, while such officers or employees were engaged in the performance of official duties and the conduct involved intent to commit another felony and use of a deadly or dangerous weapon, as alleged in Count One of this Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT THREE
[8 U.S.C. § 1324(a)(1)(A)(v)(I) & (B)(i)]

On or about January 3, 2021, in the Western District of Texas, Defendants,
Sergio Trevino,
Jesseca Ann Whitmire,
did knowingly and intentionally combine, conspire, confederate and agree with others known and unknown, to commit the following offense against the United States: to transport and move, and attempt to transport and move, by means of transportation or otherwise, aliens who entered and remained in the United States in violation of law, knowing and in reckless disregard of the fact said aliens came to, entered, and remained in the United States in violation of law, and in

furtherance of such violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I) and (B)(i).

COUNT FOUR
[18 U.S.C. §§ 922(g)(1) & 924(a)(2)]

On or about January 3, 2021, in the Western District of Texas, the Defendant,

SERGIO TREVINO,

knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year did knowingly possess a firearm, that is, an American Tactical Imports model Omni Hybrid, serial number AN010660, 5.56 caliber rifle, said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT FIVE
[18 U.S.C. §§ 922(g)(5)(A) & 924(a)(2)]

On or about January 3, 2021, in the Western District of Texas, the Defendant,

SERGIO TREVINO,

knowing that he was an alien illegally and unlawfully in the United States, did knowingly possess a firearm that is, an American Tactical Imports model Omni Hybrid, serial number AN010660, 5.56 caliber rifle, said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(2).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE
[See FED. R. CRIM. P. 32.2]

I.

Assault & Firearms Violations and Forfeiture Statutes

(Title 18 U.S.C. §§ 924(c)(1)(A)(iii) & (c)(1)(D), and 922(g)(1) & (5)(A), subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c))

As a result of the foregoing criminal violations set forth in Counts Two, Four, and Five, the United States of America gives notice to the Defendants of its intent to seek the forfeiture of property, including any items listed below, upon conviction and as a part of sentence pursuant to FED. R. CRIM. P. 32.2 and Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c), which states:

Title 18 U.S.C. § 924. Penalties

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of subsection . . . (g) . . . of section 922 . . . or knowing violation of section 924 . . . or any violation of any other criminal law of the United States . . . shall be subject to seizure and forfeiture . . . under the provisions of this chapter . . .

II.

Immigration Violations and Forfeiture Statute

[Title 8 U.S.C. §§ 1324(a)(1)(A)(v)(I) & (B)(i),
subject to forfeiture pursuant to Title 18 U.S.C. § 982(a)(6)]

As a result of the foregoing criminal violations set forth in Count Three, the United States of America gives notice to the Defendants of its intent to seek the forfeiture of property, including any items listed below, upon conviction and as a part of sentence pursuant to FED. R. CRIM. P. 32.2 and Title 18 U.S.C. § 982(a)(6) which states the following:

Title 18 U.S.C. § 982 Criminal forfeiture

(a)(6)(A) The court, in imposing sentence on a person convicted of a violation of, or conspiracy to violate, section 274(a) . . . of the Immigration and Nationality Act . . . shall order that the person forfeit to the United States, regardless of any provision of State law—

- (i)** any conveyance, including any vessel, vehicle, or aircraft used in the commission of the offense of which the person is convicted; and
- (ii)** any property real or personal—

(I) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense of which the person is convicted; or

(II) that is used to facilitate, or is intended to be used to facilitate, the commission of the offense of which the person is convicted.

This Notice of Demand for Forfeiture includes but is not limited to the property described below.

1. **Sturm and Ruger, Model Police Service-Six, .357 magnum caliber revolver, s/n obliterated;**
2. **American Tactical Imports, Model Omni Hybrid Multical, 5.56 caliber rifle, s/n AN010660,**
3. **And any related ammunition and firearm accessories.**

A TRUE BILL
ORIGINAL SIGNATURE REDACTED PURSUANT TO E-
GOVERNMENT ACT OF 2002

GREGG N. SOFER
United States Attorney

By: 
JOHN P. COOPER
Assistant United States Attorney

SEALED:
UNSEALED: XX

**PERSONAL DATA SHEET
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

COUNTY: KINNEY USAO #: 2021R00025
DATE: JANUARY 27, 2021 MAG. CT. #: DR21-00025M-01
AUSA: JOHN P. COOPER
DEFENDANT: SERGIO TREVINO
CITIZENSHIP: MEXICO
INTERPRETER NEEDED: YES LANGUAGE: SPANISH
DEFENSE ATTORNEY: CASE J. DARWIN
ADDRESS OF ATTORNEY: 14400 JONES MALTSBERGER #100, SAN ANTONIO, TEXAS
78247
DEFENDANT IS: DETAINED DATE OF ARREST: JANUARY 3, 2021
BENCH WARRANT NEEDED: NO
PROBATION OFFICER: N/A
NAME AND ADDRESS OF SURETY: N/A
YOUTH CORRECTIONS ACT APPLICABLE: NO
PROSECUTION BY: INDICTMENT
OFFENSE: (Code & Description): Count 1: 18 U.S.C. § 111(a)(1) & (b) - Assaulting, Resisting Or Impeding Certain Officers Or Employees; Count 2: 18 U.S.C. § 924(c)(1)(A)(iii): Use of Firearm during Crime of Violence; Count 3: 8 U.S.C. § 1324(a)(1)(A)(v)(I) & (B)(i) - Conspiracy to Transport Illegal Aliens; Count 4 & 5: 18 U.S.C. §922(g)(1); 922(g)(5)(A) & §924(a)(2), Prohibited Person In Possession Of Firearm.
OFFENSE IS: FELONY
MAXIMUM SENTENCE: Count 1 - 20 Years Imprisonment; A \$250,000 Fine; 3 Years Of Supervised Release; And A \$100 Special Assessment; Count 2: Not less than 10 years imprisonment-life imprisonment; up to \$250,000 fine; up to 3 years of supervised release; \$100 special assessment for each Count; Count 3- 10 years imprisonment; up to \$250,000 fine; up to 3 years of supervised release; \$100 mandatory special assessment; \$5,000 special assessment non-

indigent for each count of conviction; Count 4 & 5 - 10 years imprisonment; a \$250,000 fine; 3 years of supervised release; and a \$100 special assessment.

PENALTY IS MANDATORY: YES & NO

REMARKS: See above

W/DT-CR-3

SEALED:
UNSEALED: XX

**PERSONAL DATA SHEET
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

COUNTY: KINNEY USAO #: 2021R00025
DATE: JANUARY 27, 2021 MAG. CT. #: DR21-00025M
AUSA: JOHN P. COOPER
DEFENDANT: JESSECA ANN WHITMIRE
CITIZENSHIP: UNITED STATES
INTERPRETER NEEDED: NO LANGUAGE: ENGLISH
DEFENSE ATTORNEY: C. JEFFREY MULLINER
ADDRESS OF ATTORNEY: 628 S ST. MARY'S STREET, SUITE 100, SAN ANTONIO,
TEXAS 78205
DEFENDANT IS: DETAINED DATE OF ARREST: JANUARY 3, 2021
BENCH WARRANT NEEDED: NO
PROBATION OFFICER: N/A
NAME AND ADDRESS OF SURETY: N/A
YOUTH CORRECTIONS ACT APPLICABLE: NO
PROSECUTION BY: INDICTMENT
OFFENSE: (Code & Description): Count 3: 8 U.S.C. § 1324(a)(1)(A)(v)(I) & (B)(i) - Conspiracy
to Transport Illegal Aliens.
OFFENSE IS: FELONY
MAXIMUM SENTENCE: Count 3 - 10 years imprisonment; up to \$250,000 fine; up to 3 years of
supervised release; \$100 mandatory special assessment; \$5,000 special assessment non-indigent
for each count of conviction.
PENALTY IS MANDATORY: YES & NO
REMARKS: See above
W/DT-CR-3